IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

SUIT NO.3954 OF 2003

Hotel & Resort ventures (P) Ltd. & Anr. ...Plaintiffs.
Vs.
Amarnath Shroff & Ors. ...Defendants.

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Mr. Chetan Kapadia with Mr. Chakrapani Misra and Mr. Vishal Maheshwari i/b. Khaitan & Co. for the Plaintiff.
Mr. Madhu Rai i/b. M/s. N. Shah & Himayatullah for Defendant Nos.1 to 66 and 69 to 96.
Mr. M.K. Banatwala for Defendant Nos.67 and 68.

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CORAM :DR.D.Y.CHANDRACHUD, J.
July 2, 2007.

P.C.:

On 25th June 2007, an order was passed by the Learned Single Judge (S.R. Sathe, J.) recording that Consent Terms were filed before the Court by the Plaintiffs, which were taken on the record for identification. As all the parties to the suit were not before the Court, no order was passed and the suit was directed to stand over to 2nd July 2007 for recording Consent Terms. Subsequent to the order dated 25th June 2007, there has been a change of the assignment and the Court has been informed that the suit would, ordinarily, have been placed for orders before my Learned Brother, Mr.Justice S.J. Vazifdar. The Hon'ble Mr.Justice Vazifdar is unavailable for judicial

work today and, accordingly, a notice dated 2nd July 2007 has been issued by the Prothonotary & Senior Master stating that the urgent applications, if any, before the Court of the Learned Judge may be moved before this Court, instead of the Court presided over by S.R. Sathe, J. as notified earlier. Both the learned Counsel for the Plaintiffs and the Defendants have informed the Court that parties are from Calcutta and have come to Mumbai only for the day in order to facilitate the production of the Consent Terms and an order thereon as contemplated in the earlier order of the Court dated 25th June 2007. Accordingly, the papers have been produced on the praecipe dated 2nd July 2007 of the Advocate for the Plaintiffs.

2. The Consent Terms have been signed by the First Plaintiff through a Constituted Attorney and by the Second Plaintiff personally. The Consent Terms have also been signed on behalf of Defendant Nos.1 to 55 who are individuals by a Constituted Attorney, on behalf of Defendant Nos.57 to 66 who are Companies by a Constituted Attorney; on behalf of Defendant Nos.67 and 68 by a Constituted Attorney and on behalf of Defendant Nos.69 to 96 by a Constituted

Attorney. The respective Advocates appearing on behalf of the contesting parties have also signed the Consent Terms. Learned Counsel for the parties have stated before the Court that the Advocates have done so on instructions and after duly verifying the identity of the concerned parties. The signatories to the Consent Terms are all present before the Court in compliance with the previous order dated 25th June 2007.

3. Since the dispute in the suit has been settled, there shall be a decree and order in terms of the Consent Terms which have been taken on the record and marked “X”.

4. Refund of the Court fees, if any, as per rules.

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